WP(C) 1765/2006

BEFORE

HON'BLE JUSTICE MR I. A. ANSARI

This writ petition relates to grant of financial assistance by the State Government to various schools, in the State of Assam, in respect of the financial year 2005-2006, and the learned counsel for the parties concerned agree that in the facts and circumstances of the present case, this writ petition can be, and need to be, disposed of at this stage itself. This writ petition has, therefore, been taken up for final disposal at this stage itself.

Heard Mr. S. K. Barkataki, learned counsel for the petitioners, and Mr. M. K. Choudhury, learned Senior counsel, assisted by Mr. M. R. Pathak, learned Standing counsel for the Department of Education, Assam, appearing on behalf of the respondents.

By a letter, dated 12.12.2005, a select-list for providing financial assistance to various schools, in respect of the financial year 2005-2006, was prepared. This was followed by two more orders, passed on 24.02.2006 and 27.02.2006, whereby some other schools were enlisted as schools fit for providing financial assistance, private respondent Nos. 4 to 19 being some of such schools. The petitioners, whose schools had not been included in the said select-list, felt aggrieved and have accordingly come to this Court with the help of the present writ application made under Article 226 of the Constitution of India.

In this writ petition, interim direction was passed, on 12.04.2006, stopping the State respondents from making available financial assistance to private respondent Nos. 4 to 19 in terms of the select-lists, dated 12.12.2005, 24.02.2006, and 27.02.2006. This interim direction continues to remain in force till this day.

However, by judgment and order, dated 22.05.2007, passed in WP(C) No. 4822/2006 (Kanaklata Girls M.E. School vs. State of Assam and Ors.) and a batch of other writ petitions, the Court has clarified the criteria and yardstick, which are to be applied for the purpose of making available financial assistance to the educational institutions. The observations made, guidelines issued and the directions given by the judgment and order, dated 22.05.2007, aforementioned have, admittedly, not been challenged and have, thus, attained finality. The present batch of writ petitions, therefore, need to be disposed of in the light of what have been observed and directed by the Court in the judgment and order, dated 22.05.2007, aforementioned.

Considering the matter in its entirety, and as agreed to by the learned counsels for the parties, this writ petition is hereby disposed of with direction to the State respondents, particularly, Commissioner & Secretary, Government of Assam, Education (Secondary Education) Department, to examine the present writ petitioner's claim for financial assistance in the light of the observations made, guidelines issued and directions given in the judgment and order, dated 22.05.2007, aforementioned and, then, appropriate order(s) shall be accordingly passed. The whole exercise, so directed, shall be completed within a period of six weeks from the date of receipt of a certified copy of this order by Commissioner & Secretary, Government of Assam, Education (Secondary Education) Department.

Whatever decision is arrived at by the State respondents, as directed hereinbefore, or whatever orders are passed by the State respondents, as have been directed hereinbefore, shall be communicated, in writing, to the writ petitioners. If the writ petitioners feel aggrieved by the decision, which may be taken or the directions, which may be so passed, the petitioners shall remain at liberty to take recourse to such provisions of law as may be necessary. The petitioners shall furnish to the respondents/authorities concerned a certified copy of this order along with copies of the writ petitions and annexure thereto.

The interim directions, passed in this case, shall stand modified in terms of the directions given hereinabove.

Furnish a copy of this order to Mr. M. K. Choudhury, learned Standing counsel, Education Department, Assam.

With the above observations and directions, this writ petition shall stand disposed of.